Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-684

PACIFIC MARITIME ASSOCIATION AND INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION AND ITS LOCALS 13, 63, 10, AND 34, *Petitioners*

v.

NATIONAL LABOR RELATIONS BOARD, *Respondent*

PACIFIC MOTOR TRUCKING CO. AND CALIFORNIA CARTAGE COMPANY, INC., *Intervenors*

SUPPLEMENTAL BRIEF OF INTERVENOR PMT IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

To the United States Court of Appeals for the District of Columbia Circuit

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PRESS OF BYRON S. ADAMS PRINTING, INC., WASHINGTON, D C.

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Pursuant to Rule 41(5) and the requirements of this Court, Intervenor Pacific Motor Trucking Co. (PMT) hereby files this printed supplemental brief which is a verbatim repetition of the text of the letter sent by PMT to the Court on February 6, 1976.

TEXT OF LETTER DATED FEBRUARY 6, 1976

This responds to a letter of petitioner Pacific Maritime Association (PMA) dated January 21, 1976. The

letter requests the Supreme Court to defer action on the subject petition for a writ of certiorari in the hope that a conflict may arise between this case and one pending before the Second Circuit Court of Appeals, namely, *ILA* v. *N.L.R.B.,* Docket No. 75-4266.

The case in the Second Circuit is still in an early stage. Although it is being handled on an expedited basis and briefs of appellants have been filed, answering briefs are not due until February 23, and reply briefs are not due until early March. Oral argument has not yet been scheduled.

That case was decided by the NLRB in a manner wholly consistent with the instant case. There is thus no present conflict warranting review by this Court or deferral of action on the instant petition. Furthermore, there is no reason to believe that the Second Circuit's decision will be inconsistent with the decision below. If a conflict in the circuits does arise subsequently, this Court will have an opportunity to resolve it at a later date. The possibility of a future conflict affords no basis for review or deferral at this time. Petitioner's request for postponement should be denied.

Respectfully submitted,

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